

**Exchange of notes between Argentina and Chile constituting an agreement relating to the Final Act approving the proposals of the First Joint Commission established by the Act of Puerto Montt (with Final Act of the First Joint Commission dated on 6 April 1978),
2 May 1978**

I
THE MINISTER FOR FOREIGN AFFAIRS AND WORSHIP
BUENOS AIRES
2 May 1978

Sir,

I have the honour to acknowledge receipt of your note date 11 April 1978, in which you inform me that on 10 April 1978 the Government of the Republic of Chile approved the proposals submitted to it by the Argentine-Chilean Joint Commission and prepared in fulfilment of the task assigned to that Commission by the Governments of the two countries, as laid down in the text of the Act of Puerto Montt of 20 February 1978.

I am pleased to inform you that on 13 April 1978 the Government of the Argentine Republic also approved the proposals to which this communication relates and which had been submitted to it by the Argentine-Chilean Joint Commission.

Consequently, it is my Government's understanding that, in compliance with the text of the Act of Puerto Montt (para. (D) 3.5), with effect from the date of this note, the necessary conditions exist for the Second Joint Commission to begin its work.

I therefore propose to you that the first meeting of the Second Commission should begin at the city of Buenos Aires between 22 and 26 May, on a date to be determined by the two Ministries of Foreign Affairs. If the Government of Chile agrees to the foregoing, this note and your reply shall reflect the agreement between the Argentine Republic and the Republic of Chile concerning the recommendations submitted to the two Governments by the First Joint Commission and also their agreement concerning the beginning of the Second Commission's work.

Accept, Sir, etc.
[OSCAR A. MONTES]
His Excellency
Mr. Gaston Illanes Fernandez
Minister Counsellor Charge d'affaires a.i.
of the Republic of Chile
Buenos Aires

[TRANSLATION]
EMBASSY OF CHILE BUENOS AIRES
Buenos Aires, 2 May 1978
Sir,

I have the honour to acknowledge receipt of your letter of today's date informing me that the Government of the Argentine

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Republic has also approved, on 13 April 1978, the proposals submitted by the Chilean-Argentine Joint Commission, in fulfilment of the task assigned to it by the Governments of the two countries, as laid down in the Act of Puerto Montt of 20 February 1978.

The Government of the Republic of Chile concurs with your Government that as from the date of this Note the necessary conditions exist for the Second Joint Commission to begin its work.

I am also very pleased to convey to you the agreement of my Government to have the first meeting of the Second Commission begin between 22 and 26 May 1978, at the city of Buenos Aires, on a date to be determined by the Ministries of Foreign Affairs of the two countries.

As stated in your communication to which I am replying, your note and this reply express the agreement between the Republic of Chile and the Argentine Republic concerning the recommendations submitted to the two Governments by the First Joint Commission and also their agreement concerning the beginning of the Second Commission's work.

Accept, Sir, etc.

[Signed]

GASTON ILLANES FERNANDEZ Charge d'affaires a.i.

His Excellency Vice-Admiral

Oscar A. Montes Minister for Foreign Affairs and Worship

Buenos Aires

[TRANSLATION]

FINAL ACT

The Heads of the Delegations of Argentina and Chile to the First Joint Commission, convened at Buenos Aires, place on record the following:

1. The fourth session of the First Argentine-Chilean Joint Commission was held from 4 to 6 April 1978; the Commission considered, in particular, the drafts exchanged at the third session, held at Santiago, Chile, from 28 March to 1 April 1978.
2. As a result of the consideration of the drafts, a final document, which is attached as an annex to this Final Act, was drawn up, containing the proposals that the Argentine-Chilean Joint Commission is submitting for approval to both Governments, in fulfilment of the task assigned to it under the Act of Puerto Montt of 20 February 1978.
3. The said proposals contain the measures which, in the opinion of the Joint Commission, are conducive to the establishment of the necessary conditions of harmony and equity in a climate of peaceful coexistence until an integral and definitive solution for the points referred to in paragraph 3 of the above-mentioned Act is found.

This Act is done in two identical copies at the city of Buenos Aires on 6 April 1978.

Signed

PABLO OSVALDO APELLA

Major General

Head of the Argentine

Delegation

Signed

Luis J. RAMIREZ PINEDA

Brigadier General

Head of the Chilean

Delegation

PROPOSALS OF THE FIRST JOINT COMMISSION ESTABLISHED UNDER THE ACT OF PUERTO MONTT

The First Argentine-Chilean Joint Commission, established under paragraph (D) 2 of the Act of Puerto Montt of 20 February 1978, places on record the following:

I - In accordance with the mandate established in paragraph (D) 2 of the Act of Puerto Montt, the Joint Commission has examined the measures that it would be appropriate for the Governments of Argentina and Chile to adopt in order to establish the necessary conditions of harmony and equity until an integral and definitive solution for the points referred to in paragraph (D) 3

of that Act is found.

2. It has taken note of the fact that both Governments, in conformity with paragraph (C) of the Act of Puerto Montt, have given orders to their respective authorities in the southern zone to avoid actions or attitudes inconsistent with the spirit of peaceful coexistence which must be maintained between the two countries.

3. The rules and measures proposed below and the conduct adopted on the basis thereof shall prevail throughout the duration of the negotiations provided for in the Act of Puerto Montt. Neither those rules and measures nor the continuance of existing situations shall imply affirmation or rejection of rights that the Parties may invoke, nor shall they impede or influence a possible future settlement.

Consequently, it is understood that neither of the Parties shall use the agreed rules and conduct as a source of rights or precedents and that their sole and exclusive aim is to achieve and strengthen the practical conditions for coexistence.

Thus, the recommendations formulated and the measures agreed upon by the two Governments will have no further scope than the peaceful objective indicated and cannot be interpreted in any way as prejudging the questions referred to in paragraph 3 of the Act of Puerto Montt, in accordance with the declaration and the reservation expressed in paragraph (D) of that Act.

4. With the aim of ensuring optimum conditions for harmony and peaceful and equitable coexistence between the two countries and in order to put into effect the lofty objectives stated in the Act of Puerto Montt, the Commission submits the following rules and measures to the Governments of Argentina and Chile:

(A) With regard to the deployment of personnel and installations of the armed forces, the forces of law and order and the police and frontier forces in the southern zone and, by extension, in the frontier region, both Parties shall endeavour to ensure the conditions of harmony and equity referred to in the Act of Puerto Montt.

Installations and navigational aids belonging to either Party in the islands under consideration in the southern zone and activities of any sort carried out in that zone shall not be of an offensive nature, nor have any political, military or juridical significance under the terms of the Act of Puerto Montt, it being understood that the Parties shall avoid attitudes that do not contribute to the above-mentioned conditions of harmony and equity.

(B) In the matter of aids to maritime navigation, it is recommended that those now in place in the southern region should be maintained, without alteration or increase except for modifications of a technical nature.

(C) Publicly and privately owned ships of the Parties should be guaranteed the same rights to maritime navigation in the southern zone that they have enjoyed up to the present time and, in particular, navigation to and from Antarctica and navigation for commercial ends and for logistical and training purposes. Privately owned ships sailing under third country flags should be guaranteed free access to ports in the southern zone along the customary routes, under the system of pilotage referred to in paragraph (D).

(D) In the matter of pilotage, the situation that has been in force since 1971 in the Beagle Channel zone should be maintained. No new pilotage should be imposed in the southern zone.

The services rendered should be free of charge, except for the cost of the lodging and transfer of pilots.

(E) With regard to the protection of human life at sea and to shipping accidents, there should be an exchange of information, consultation and mutual assistance in each specific case that may arise.

(F) Publicly and privately owned aircraft of both countries may fly over the southern zone when they do so in a straight line between the airport of departure and the airport of destination. The same opportunity shall be afforded in cases of landing at or take-off from airports situated very near the international boundary.

For any other necessary overflights, the customary rules in effect in the two countries shall apply.

In the case of an overflight necessitated by adverse weather conditions or caused by technical failures which endanger human life, there shall be no restrictions.

(G) With regard to the movement of persons and vehicles between the two countries, the Governments shall instruct their respective authorities to implement fully the agreements in force, maintaining equitably and on a basis of reciprocity the facilities that have customarily been granted.

Both Governments shall also instruct their immigration authorities to adopt, as soon as possible, measures to regularize the residence situation of nationals of the two countries by granting facilities that are compatible with administrative regulations. The

foregoing shall be without prejudice to police provisions regarding delinquents and undesirables. However, when the expulsion of nationals of either country is necessary, it shall be carried out without unnecessary nuisance or prejudice and with previous notification to the competent consular officer.

(H) In order to facilitate normal and peaceful coexistence, the two Governments shall establish, through the appropriate channels, a permanent system for consultation on any situation or occurrence that might affect such coexistence.

The consultation procedure shall operate and shall be refined at the level of the Chief of the Joint General Staff in the case of the Argentine Republic and the Chief of the National Defence General Staff in the case of the Republic of Chile.

"Consultation procedure" means the action taken by the Argentine Chief of Joint General Staff and the Chilean Chief of the National Defence General Staff in response to an occurrence that may disturb normal relations between the two countries, with a view to deciding on an immediate, direct and reasonable solution that will avoid further repercussions.

It is to be noted that the same system authorizes and encourages similar contacts between the regional authorities and units of each Party.

(I) With regard to special rules for delimitation drawn up by either Party that are applicable in the zone, the final part of paragraph (D) 2 of the Act of Puerto Montt includes, in this connection, Supreme Decree No. 416 of the Government of Chile, **dated 14 July 1977, Ordinance No. 1120/26** of the Office for Coastal Affairs and Merchant Shipping of Chile, dated 23 August 1977, and Argentine Decree No. 149 of the Governor of the national territory of Tierra del Fuego, Antarctica and the Islands of the South Atlantic, dated 8 April 1970.

(J) The present situation with regard to the exploitation of renewable natural resources should be maintained, both when it derives from practice and when it has been the object of regulation, in particular the document relative to the exploitation of the spider crab in the Beagle Channel issued following the technical meeting held at Ushuaia on 8 and 9 June 1975.

(K) Public information should be handled, through the respective official information media, in an objective and measured way helpful to the spirit of peaceful coexistence promoted by the Act of Puerto Montt.

(L) Professional exchanges and the mutual exchange of knowledge should be further promoted and closer contacts between the civilian and military authorities of the two countries should be achieved, both at the national and at the regional levels.

IN WITNESS WHEREOF this document is signed, as an annex to the Final Act of the First Joint Commission established under the Act of Puerto Montt, in two identical copies at Buenos Aires on 6 April 1978.

Signed

PABLO OSVALDO APELLA

Major-General

Head of the Argentine

Delegation

Signed

Luis J. RAMIREZ PINEDA

Brigadier-General

Head of the Chilean

Delegation